

(9) The assessment of any civil penalty conducted under section 1414(g)(3)(B) of the Safe Drinking Water Act as amended (42 U.S.C. 300g-3(g)(3)(B)).

(b) The Supplemental rules of practice set forth in subpart H establish rules governing those aspects of the proceeding in question which are not covered in subparts A through G, and also specify procedures which supersede any conflicting procedures set forth in those subparts.

(c) Questions arising at any stage of the proceeding which are not addressed in these rules or in the relevant supplementary procedures shall be resolved at the discretion of the Administrator, Regional Administrator, or Presiding Officer, as appropriate.

[45 FR 24363, Apr. 9, 1980, as amended at 52 FR 30673, Aug. 17, 1987; 53 FR 12263, Apr. 13, 1988; 54 FR 12371, Mar. 24, 1989; 54 FR 21176, May 16, 1989; 56 FR 3757, Jan. 30, 1991; 57 FR 4318, Feb. 4, 1992]

#### § 22.02 Use of number and gender.

As used in these rules of practice, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the case may require.

#### § 22.03 Definitions.

(a) The following definitions apply to part 22:

*Act* means the particular statute authorizing the institution of the proceeding at issue.

*Administrative Law Judge* means an Administrative Law Judge appointed under 5 U.S.C. 3105 (see also Pub. L. 95-251, 92 Stat. 183).

*Administrator* means the Administrator of the U.S. Environmental Protection Agency or his delegate.

*Agency* means the United States Environmental Protection Agency.

*Complainant* means any person authorized to issue a complaint on behalf of the Agency to persons alleged to be in violation of the Act. The complainant shall not be a member of the Environmental Appeals Board, the Regional Judicial Officer, or any other person who will participate or advise in the decision.

*Complaint* means a written communication, alleging one or more viola-

tions of specific provisions of the Act, or regulations or a permit promulgated thereunder, issued by the complainant to a person under §§ 22.13 and 22.14.

*Consent Agreement* means any written document, signed by the parties, containing stipulations or conclusions of fact or law and a proposed penalty or proposed revocation or suspension acceptable to both complainant and respondent.

*Environmental Appeals Board* means the Board within the Agency described in § 1.25 of this title, located at U.S. Environmental Protection Agency, A-110, 401 M St. SW., Washington, DC 20460.

*Final Order* means (a) an order issued by the Administrator after an appeal of an initial decision, accelerated decision, decision to dismiss, or default order, disposing of a matter in controversy between the parties, or (b) an initial decision which becomes a final order under § 22.27(c).

*Hearing* means a hearing on the record open to the public and conducted under these rules of practice.

*Hearing Clerk* means the Hearing Clerk, A-110, U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

*Initial Decision* means the decision issued by the Presiding Officer based upon the record of the proceedings out of which it arises.

*Party* means any person that participates in a hearing as complainant, respondent, or intervenor.

*Permit* means a permit issued under section 102 of the Marine Protection, Research, and Sanctuaries Act.

*Person* includes any individual, partnership, association, corporation, and any trustee, assignee, receiver or legal successor thereof; any organized group of persons whether incorporated or not; and any officer, employee, agent, department, agency or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

*Presiding Officer* means the Administrative Law Judge designated by the Chief Administrative Law Judge to serve as Presiding Officer, unless otherwise specified by any supplemental rules.

*Regional Administrator* means the Administrator of any Regional Office of